

REMARKS

In view of the following remarks, further examination and reconsideration of the rejection in the Office Action of December 5, 2008 are respectfully requested.

In items 2 and 3 of the Office Action, claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,920,397 (Itoh) in view of US Patent 6,404,912 (Lehnen) and US Patent 6,573,987 (Shires). This rejection is traversed for the reasons below, and its withdrawal is respectfully requested.

On pages 3 and 4 of the Office Action, the Examiner indicates that Itoh in view of Lehnen et al. does not disclose capturing images while light inclined at a generally medial angle between horizontal light and vertical light simultaneously illuminates the component imaging plane, but Shires does. In particular, light by LED 74 is held to disclose light at a medial angle between horizontal light (by LED 70) and the vertical light (by LED 62).

However, figures 1 and 3 of Shires illustrate the relationship between LED 62, LED 70, LED 74, and the imaging plane (LCC device 18). As is clearly shown in the figures, light from LED is not medial between the vertical light from LED 62 and the horizontal light from LED 70. Further, as is clearly shown in the figures, LED 74 is *behind* the LCC device 18, and thus does not illuminate the imaging plane. Rather, as described in the specification at column 3, lines 21-28, LED 74 is for illuminating the diffusion layer 86 so as to backlight or silhouette the LCC device.

Further, Shires discloses using different frequencies of light (corresponding to different LEDs – Shires discloses different frequencies for different sets of LEDs, see column 2, lines 14-25) *selectively* (see abstract), and not simultaneously as recited in claim 12.

Thus, Shires does not disclose capturing an image light inclined at a generally medial angle between horizontal light and vertical light simultaneously which simultaneously illuminates the component imaging plane. Further, Itoh and Lehnen do not disclose capturing images while light inclined at a generally medial angle between horizontal light and vertical light simultaneously illuminates the component imaging plane, nor were they relied on as disclosing such in the Action.

Accordingly, the present invention as recited in claim 12 is not suggested by the combined disclosures of Itoh, Lehnen, and Shires. It is submitted that claim 12 is allowable over

the prior art of record, as is claim 13 depending therefrom.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Osamu OKUDA *et al.*

/Aldo A. D'Ottavio/

By: 2009.03.03 13:22:48 -05'00'

Aldo A. D'Ottavio
Registration No. 59,559
Agent for Applicants

AAD/JRF/kh
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 4, 2009